



# Focus

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## Interim Wastewater Permitting: Discharges to Polluted Waterbodies (Federal 303(d) List)

### Issue

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Washington State has approximately 700 waterways or segments of rivers, streams or marine waters that are polluted. According to the federal Clean Water Act, Water Cleanup Plans or Total Maximum Daily Loads (TMDLs) need to be completed on the polluted waters to make them healthy again.

Meanwhile, communities and industries continue to discharge treated wastewater into the already polluted streams. In addition, some communities and industries are interested in growing, as well as new industries are interested in being built. The Washington Department of Ecology (Ecology) has been working with its advisory committee, the Water Quality Partnership, to determine how to balance the needs of communities and businesses, while protecting our state's waterways. We've developed an interim approach to balance those needs.

The question is how to deal with discharges from community and industrial treatment plants (point sources) and their wastewater permits in the interim period before a Water Cleanup Plan is completed. Ecology has observed that water pollution is often caused mainly by nonpoint sources or multiple sources. Ecology has decided that where a community or industrial treatment plant is one of multiple contributors to the water pollution, that source will not have to bear the full burden of the water cleanup in the interim.

Ecology has decided to not make point source discharges meet the water quality standards in their discharge before a Water Cleanup Plan is completed. The Water Cleanup Plan, when completed, may allow for some dilution and allow the treatment facilities to avoid the expense of extraordinary levels of treatment.

### Background

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The 303(d) list is a list of waterbodies that have been sampled and shown to not meet water quality standards. This listing, if confirmed, requires a Total Maximum Daily Load (TMDL or Water Cleanup Plan) to be completed on the waterbody.

A TMDL identifies the sources of the pollution and determines how much to reduce pollution from the various sources to ensure that the water quality standard is met and health of the waterway is restored. For permitted sources the TMDL will define the effluent limits.

### Ecology's Proposed Process for Existing Discharges to a Listed Waterbody

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Ecology's process contains three essential elements: 1) **Confirm** the water quality impairment at the point of discharge; 2) Where the water quality at the point of discharge is not meeting water quality standards, **interim effluent limits** will be imposed to prevent any

increase in loading of the pollutant until the TMDL is completed; and 3) Where interim limits are imposed, the facility will be required to develop and implement a **pollutant minimization plan**.

### **1. Confirm the Impairment at the point of discharge**

The data that Ecology uses for placing a waterbody on the 303d list may be limited in space and time. The data may be from one sampling station at a great distance from a point source discharge. Ecology permit writers will determine whether the listing data means actual pollution at the point of discharge based on the location of the sampling station and the type of pollutant. Where water quality is meeting the standards, Ecology permit writers may develop effluent limits using a mixing zone.

### **2. Interim Effluent Limits**

Where Ecology staff determine that the data is valid and shows pollution at the point of discharge the facility will receive interim limits which will not allow any increase of loading from the facility. Generally, interim limits will apply until a TMDL is completed. In some cases, final limits equal to water quality criteria for a facility's effluent may be achievable in five years. In these cases, the final limits will be placed in the permit with a compliance schedule. Otherwise, the final limits will be placed in the fact sheet.

### **3. Pollutant Minimization Plan**

Where Ecology imposes interim limits in a discharge permit, the facility will also complete a pollutant minimization plan. The plan will include an examination of how pollution will be reduced (including treatment) and steps showing how the facility will implement methods to reduce pollution that are appropriate and cost-effective.

When a TMDL is in progress at the time of permit development, no water quality-based limitations will be imposed until the TMDL is completed. The wasteload allocation will be incorporated into the permit by permit modification or at the time of next renewal.

## **Ecology's Proposed Process for New Discharges to a Listed Waterbody**

Federal law is very clear regarding new discharges to a polluted waterbody. No new discharge can be authorized if it causes or contributes to the pollution problem. The options available to new discharges are; 1) Seasonal discharge with wastewater reuse during the part of the year when the pollution occurs - this only applies to waterbodies where the pollution problem is seasonal; 2) Effluent trading; and 3) High levels of treatment to meet the water quality standard in the facility's discharge. Ecology will work with communities and companies that propose new discharges to identify the options at the proposed discharge site.

## **Ecology's Proposed Process for General Permits to a Listed Waterbody**

Ecology's general permits will contain a clause which prohibits the discharge from causing or contributing to a violation of the water quality standards.

For more information, please contact:

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*Ecology is an equal opportunity agency. If you have special accommodation needs, please call Donna Lynch at (360) 407-7529 (Voice) or (360) 407-6006 (TDD). Email may be sent to [dlyn461@ecy.wa.gov](mailto:dlyn461@ecy.wa.gov)*